

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Charles Porges

Serial No.: 10/712,895

Filing date: November 12, 2003

For: Method And Circuit For Indicating
Quality And Accuracy Of
Physiological Measurements

Group Art Unit: 3735

Examiner: Eric Frank Winakur

Atty. Docket: TYHC:0118-2 / FLE
P0225s-02

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING
37 C.F.R. 1.8

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June 12, 2007

Date

Michael G. Fletcher

RESPONSE TO FINAL ACTION UNDER 37 C.F.R. §§ 1.113(c) and 1.137(c)

In the Official Action mailed on January 24, 2005, the Examiner rejected claims 23-26, 28 and 31, and objected to claims 29, 30 and 32-34. The Examiner rejected claims 23-26, 28 and 31 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over certain claims of U.S. Patent No. 6,675,031 and the Examiner rejected claim 27 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over certain claims of U.S. Patent No. 6,675,031 in view of U.S. Patent No. 5,779,630. The Examiner withdrew all remaining objections and rejections.

In view of the allowability of the present claims over the prior art of record, Applicants have chosen to place the present application in condition for allowance in accordance with 37 C.F.R. §§ 1.113(c) and 1.137(c). Although Applicants do not necessarily agree that the presently pending claims are obvious in view of claims set forth in U.S. Patent No. 6,675,031, the filing of